

**BOARD OF SELECTMEN'S MEETING  
MINUTES OF MARCH 3, 2008**

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**I. Call to Order/Roll Call**

Chairman Brian Major called the meeting of the Board of Selectmen to order 7:12 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Major and Selectmen Ted Teichert, Mary Lyman, Alex Vispoli and Gerald Stabile. Also present were Town Manager Reginald Stapczynski and Town Clerk, Randy Hanson. The meeting was duly posted and cablecast live.

**II. Executive Session**

Chairman Brian Major called the Board of Selectmen Meeting to order at 5:35 PM in the **Board of Selectmen's Conference Room in the Town Offices. Present were: Chairman Major, Selectman Lyman, and Selectman Teichert.** Selectman Vispoli arrived at 6:10 P.M.

On a motion by Selectman Lyman, and a second by Selectman Tiechert, it was voted to go into an Executive Session to discuss collective bargaining strategy and to return to Open Session. Roll Call Vote: M. Lyman – Y, A. Vispoli – Y, B. Major – Y and T. Teichert – Y (left at 6:40 P.M.). On a motion duly made and seconded it was voted to adjourn the Executive Session at 7:05 P.M. and return to Open Session. Roll Call Vote: M. Lyman – Y, A. Vispoli – Y and B. Major.

**III. Opening Ceremonies**

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance

**IV. Communications/Announcements/Liaison Reports**

Town Manager Stapczynski announced the following:

- The Warrant closed today (second round) at 4:30 P.M. with nine warrant articles.
- The League of Women Voters and the Service Club will host a Budget Forum on Thursday, March 6 at 7:30 PM at Memorial Hall Library.
- The Lawrence St. Patrick's Day Parade will be on Sunday, March 9<sup>th</sup>
- The American Cancer Society Relay for Life Kick-off will be held at the Greater Lawrence Regional Vocational School on March 12<sup>th</sup> at the Four Winds Restaurant.
- The Town received a \$950 Grant from the Mass Dept of Environmental Protection which will be used to purchase 20 rain barrels and idling kits.
- A meeting will be held on March 6 at 6:30 P.M. at the Water Treatment Plant to discuss the Ledge Road Landfill.

Selectman Vispoli said the three Town-boards met last week to discuss the I-93 development and to draft the Status of the Purpose and Need and discuss the plans for the next steps to move forward with the project. An update by the Task Force will be provided in a few weeks.

Chairman Major announced the next meeting of the three sub-committees is scheduled for March 5<sup>th</sup> a 5:30 PM followed by the Tri-board meeting at 7:00 P.M. Selectman Major congratulated Selectman Teichert and Stabile on the work of the Town Yard Task Force Team.

**V. Citizens Petitions and Presentations**

Mary Carbone, 3 Cyr Circle, addressed the Board regarding the CPA and a possible override. She said the CPA will be an additional 1% on top of a tax increase in addition to a possible 2.5% override.

## **VI. Public Hearing**

### **A. Alcoholic Beverage License Violation**

Pursuant to Chapter 138 of the Massachusetts General Laws, the Selectmen conducted a public hearing to determine whether Shawsheen Village Liquors, Inc., d/b/a Shawsheen Liquors, 4 Poor Street, Andover, MA, sold alcoholic beverages to a minor. The violation was brought forward by the Andover Police Department. Officer Moore provided the facts of the incident and Mr. Helman (owner of Shawsheen Village Liquors) stipulated he did receive the warrant from Officer Moore. Mr. Helman stipulated the facts of the report were accurate and that all employees of Shawsheen Village Liquors will be attending a training seminar by the Massachusetts Package Stores. There are no other incidents on record; this is the first offense in the seven years Mr. Helman has owned Shawsheen Liquors. After discussion, Chairman Major asked if there were any additional questions, to which the Board responded no.

Selectman Lyman motioned to close the hearing. The motion was seconded by Selectman Teichert, voted 5-0 and approved.

Selectman Vispoli motioned to indicate a violation did occur on January 14, 2008 at Shawsheen Village Liquors. The motion was approved by Selectman Lyman, voted 5-0 and approved.

The Board then discussed the penalty for a first offense of selling alcoholic beverages to a minor. The policy calls for a letter of reprimand which stays on file for one year.

Selectman Teichert motioned to have a letter of reprimand sent to Shawsheen Village Liquors and kept on file since this is the first incident in the seven years Mr. Helman has owned the store and the employees are being retrained. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

## **VII. Regular Business of the Board**

### **A. Representatives from Woodard & Curran to discuss possible conflict of interest**

Town Counsel Thomas Urbelis explained the circumstances surrounding the possible conflict of interest with Woodard & Curran who are working for the Town to examine the clean-up efforts of the Reichhold Properties and provide recommendations and opinions on purchase of the remaining property at Reichhold to the Town; with the conflict being Woodard & Curran entered into agreement with Reichhold on property in another community. State Ethics Commission guidelines to be considered were provided to Woodward & Curran. David McDonald of Woodard & Curran said their Counsel did not see a need to seek a ruling from the State Ethics Board until they had discussed the matter with the Town. If the Town feels the need to have a ruling from the State to be comfortable going forward, they would certainly do that. The Board of Selectmen requested an opinion from the State Board of Ethics be brought back to the Board by Warren & Curran.

### **B. Discussion regarding a “first reading” policy**

Selectman Vispoli said a first reading of requests would give the Board time to consider action to be taken, and time for the community to provide their input before a

vote is put forward. The Board discussed the matter of timing for some requests and the protracted agendas for meetings that would result. Possibly, the policy could be modified for fee increases, structures, and memorials. Town Clerk Randy Hanson will look at the current policy and draft an updated version for the Board to review.

**C. Board to discuss recent public safety fee increases**

The Board discussed the timing of increasing the parking meter fees with the on-going downtown renovation project that will be taking parking spaces off-line during construction. The Downtown Merchants are quite concerned about this. Chief Pattullo will meet with the merchants throughout the construction process to see what options could be considered. The Board would like to hear the input from the Downtown Merchants at a meeting in the near future.

**D. Board to sign the Warrant for the Annual Town Election on Tuesday, March 25, 2008**

Selectman Vispoli motioned for the Board to sign the Warrant for the Annual Town Election. Selectman Teichert seconded the motion. The motion was voted 5-0 and approved.

**E. Review of the additional warrant articles for the 2008 Annual Town Meeting**

Town Manager Stapczynski explained the nine additional warrant articles that have been added, none of which are private. The articles include: 1) A Feasibility Study at Bancroft School; 2) Local Options Revenue; 3) Revolving Funds; 4) Zoning By-law Amendments; 5) Trench Safety Regulations; 6) Parks and Grounds Appropriations Transfer; 7) Lease of Old Town Hall and 8) Open Space Land Acquisition. The Town Manager would like the Warrant to be signed by March 24<sup>th</sup> if possible.

**VIII. Approval of Consent Agenda Items**

**A. Appointments and Re-Appointments**

A motion was made by Selectmen Teichert, seconded by Selectman Stabile, and voted 4-1 to approve the following appointments recommended by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<b><u>POLICE DEPARTMENT</u></b>			
Clare M. Doyle	Program Assistant New Horizons – PT	\$15.00/hr.	2/28/08
William Ouellette	Lieutenant (v. A. Ricci)	R512-1-0	3/16/08
Edward J. Guy, III	Sergeant (v. W. Ouellette)	Q99-512-1-0	3/16/08
Michael S. Lane	Patrolman (v. M. Lane – transfer back from Boston PD)	P503-20	3/2/08
Kyle R. Kibred	Patrolman (v. P. James)	P500-1-0	3/20/08
Kevin J. Aufiero	Patrolman (v. B. Blouin)	P500-1-0	5/5/08

John F. Delaney	Patrolman (v. J. Gagne)	P500-1-0	5/5/08
Brian P. MacKenzie	Patrolman (v. R. Cronin)	P500-1-0	5/5/08

### **FIRE-RESCUE DEPARTMENT**

Joseph P. Murphy	Firefighter (v. J. Campbell)	F700-1	3/31/08
Todd S. Collins	Firefighter (v. K. Weightman)	F700-1	3/31/08

### **DEPARTMENT OF PUBLIC WORKS – Highway Division**

John Young	Equipment Operator II (v. P. Nowell)	W4-3	3/10/08
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### **PLANT & FACILITIES DEPARTMENT – Building Division**

Felix Melendez	Custodial Working Foreman (v. E. Mazzaglia)	W4-2	2/4/08
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### **PLANT & FACILITIES DEPARTMENT – Vehicle Maintenance Division**

Mark P. Wood	Mechanic (v. K. Tsouprakos)\	W9-4	3/4/08
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### **MEMORIAL HALL LIBRARY**

Larisa Shvarts	Library Assistant – PT (v. E. Classon)	IE-12-5	2/28/08
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### **TOWN CLERK'S OFFICE**

Edward M. Medeiros	Pollworker – PT	\$8.00/hr.	3/4/08
Joan C. Foohey	Pollworker – PT	\$8.00/hr.	3/4/08
Sheila N. Medeiros	Pollworker – PT	\$8.00/hr.	3/4/08
Sandra P. Durling	Pollworker – PT	\$8.00/hr.	3/4/08
James J. Redmond	Pollworker – PT	\$8.00/hr.	3/4/08
Martha J. Porter	Pollworker – PT	\$8.00/hr.	3/4/08
Rachel A. Simili	Pollworker – PT	\$8.00/hr.	3/4/08

### **COMMUNITY SERVICES**

Alex B. Pelletier	Program Instructor – PT	C2C	1/31/08
Daniel T. Jurczak	Program Instructor – PT	C2C	2/5/08
Katherine A. Manning	Enrichment Instructor – PT	***	1/30/08

\*\*\* Varies with course/program

### **CONSERVATION COMMISSION**

Alexandra Driscoll – Term expires 6/30/09  
(v. M. Miller)

### **TOWLE FUND TRUSTEES**

Christopher S. Doherty – Term expires 6/30/10  
(v. D. Dyer)

## **B. Clown Town**

Selectman Vispoli motioned to approve the request of Sherrie A. Kimball, Ways and Means Chairperson of the Andona Society, for permission to conduct Clown Town in The Park on Friday, May 16, 2008 from 6:00 P.M. to 10:00 P.M. and Saturday, May 17, 2008 from 9:30 A.M. to 4:30 P.M. (with a rain date of Sunday, May 18, 2008 from Noon to 5:00 P.M.) and to use the parking lots adjacent to The Park for the set up of rides; use of the parking lots behind the Senior Center and Doherty Middle School; set up the rides beginning on Wednesday evening, May 14<sup>th</sup>; close Whittier Court on Friday and Saturday; allow **“No Parking” on The Park side of Bartlet Street** and use the semi-circle in front of the Town Offices for kiddie games. The request has been reviewed and approved with conditions by the Police Department with the following exceptions: they recommend **disapproval of the “No Parking” on The Park side of Bartlet Street and the event conclude** on Friday evening at 9:00 P.M. as per the Regulations for Use of The Park. The motion was seconded by Selectman Stabile, voted 4-0-1 and approved.

**C. Walk-a-thon Request**

Selectman Lyman motioned to approve the request of Nisse Joy Bjornsen, **American Diabetes Associate Walk Manager, for permission to conduct their “Step Out: Walk to Fight Diabetes” walk-a-thon** through the streets of Andover on Sunday, October 19, 2008 beginning and ending at The Park. The event will commence at 9:30 A.M. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert, voted 5-0 and approved.

**D. One-Day All-Alcoholic Beverage License**

Selectman Stabile motioned to approve the request of Effie Brickman, on behalf of the Sts. Constantine & Helen Church, 71 Chandler Road, Andover, for a one-day all-alcoholic beverage license for Saturday, March 8, 2008 from 6:00 P.M. to 11:00 P.M. for a dance at the church. The application have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Teichert, voted 5-0 and approved.

**E. License Renewals**

1. Automatic Amusement Entertainment License:

Selectman Vispoli motioned to approve the following 2008 license renewals as presented by the Town Clerk. The motion was seconded by Selectman Lyman, voted 4-0-1 and approved.

**Park Street Holdings, LLC, d/b/a Dylan’s Bar & Grill, 18-22 Park Street – Live Entertainment & Juke Box – Weekdays Only.**

2. Common Victualler Licenses:

Selectman Lyman motioned to approve the following 2008 Common Victualler License renewals as presented by the Town Clerk. The motion was seconded by Selectman Lyman, voted 4-0-1 and approved.

- ~ Park Street Holding, LLC, d/b/a Dylan’s Bar & Grill, 18-22 Park Street
- ~ Eures Dining Services, d/b/a Eures Dining Services, 200 Brickstone Square
- ~ Eures Dining Services, d/b/a Eures Dining Services at Raytheon, 350

- ~ Lowell Street  
Eurest Dining Services, d/b/a Eurest Dining Services at Raytheon, 358 Lowell Street
- ~ Next Generation Vending and Food Service, d/b/a Next Generation Vending and Food Service at Brockway Smith, 146 Dascomb Road.

The applications have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The licenses will be effective from March 1, 2008 through December 31, 2008.

#### **F. One-Day Beer & Wine Licenses**

1. Selectman Stabile motioned to approve the request of Sal Tabit, on behalf of the Andover School of Montessori, 400 South Main Street, Andover, for a one-day beer & wine license on Saturday, March 29, 2008 from 5:30 P.M. to Midnight for a fundraiser/auction at the Town House. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

2. Selectman Stabile motioned to approve the request of Emily Classon, on behalf of the Friends of Memorial Hall Library, Elm Square, Andover, for a one-day beer & wine license on Saturday, March 15, 2008 from 6:30 P.M. to 11:00 P.M. for a Jazz Concert at the Town House. The motion was seconded by Selectman Lyman, voted 5- and approved.

3. Selectman Stabile motioned to approve the request of Kate Reardon and Heather Eaton, 82 4<sup>th</sup> Avenue, Lowell, for a one-day beer & wine license on Friday, August 8, 2008 from 6:30 P.M. to 1:30 P.M. for a wedding reception at the Town House. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

The applications have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

#### **IX. Approval of Minutes of Previous Meetings**

Selectman Lyman motioned to approve the Minutes of the Regular Meeting of January 28, 2008 as presented. The motion was seconded by Selectman Teichert, voted 5-0 and approved.

Selectman Lyman motioned to approve the minutes of the Regular and Tri-Board Meeting of February 4, as presented. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

Selectman Lyman motioned to approve the minutes of the Regular and Joint Board Meeting of February 6, as presented. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

Selectman Lyman motioned to approve the Minutes of the Regular Meeting of February 13, 2008 as presented. The motion was seconded by Selectman Vispoli, voted 5-0 and approved.

#### **X. Adjournment**

Selectman Teichert motioned to adjourn the Board of Selectman's Meeting of March 3,

2008. The motion was seconded by Selectman Lyman, voted 5-0 and approved. The meeting adjourned at 9:17 P.M.

Respectfully submitted,

Dee DeLorenzo, Recording Secretary